

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

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November 30, 2017

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REPLY TO Spokane

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 01, 2017

SEAN F. McAVOY, CLERK

Honorable John T. Rodgers
United States Magistrate Judge
Thomas S. Foley U.S. Courthouse
P.O. Box 1493
Spokane, WA 99210

RE: KINARD, Odell Jr.
Docket No.: 2:17CR00101-WFN-23
Request to Modify Condition of Pretrial
Release Supervision

Dear Judge Rodgers:

On July 21, 2017, Mr. Kinard appeared before Your Honor for the purpose of an initial appearance and detention hearing. The government filed a motion for detention. Subsequently, the Court denied the government's motion for detention and ordered Mr. Kinard to be released under conditions of pretrial release supervision. The government requested Mr. Kinard's release date be stayed pending appeal before the Honorable Wm. Fremming Nielsen, Senior U.S. District Judge, which was granted by the Court.

On July 24, 2017, Mr. Kinard appeared before the Honorable Wm. Fremming Nielsen, Senior U.S. District Judge, for the purpose of a bail review hearing. The Court denied the government's appeal of the release order and Mr. Kinard was released under conditions of pretrial release supervision.

On August 25, 2017, the undersigned officer submitted a violation report alleging Mr. Kinard tested positive for the presence of marijuana on July 26, 2017. Upon this officer's recommendation, the Court took no action as the positive result may have been residual from marijuana use that occurred prior to Mr. Kinard being placed on pretrial release supervision.

Mr. Kinard's next scheduled Court appearance is on February 13, 2018.

The purpose of this letter is to request a modification of Mr. Kinard's conditions of pretrial release supervision.

Currently, special condition #28 requires Mr. Kinard to be subjected to GPS monitoring. Mr. Kinard has maintained regular contact with the undersigned officer and has complied with the conditions of pretrial release supervision. Therefore, the undersigned officer believes GPS monitoring is no longer necessary to assure safety to the community or risk of nonappearance.

The undersigned officer contacted the assistant U.S. attorney and defense counsel. Neither party objects to the removal of special condition #28.

Based on the information contained in this report, the undersigned officer respectfully recommends that special condition #28 be removed from Mr. Kinard's order of release (CM/ECF document # 441).

Should the Court have any further questions, please contact the undersigned officer.

Respectfully submitted,

Matthew L. Thompson
Chief U.S. Probation Officer

<u>s/Erik Carlson</u>	<u>11/30/2017</u>
Erik Carlson	Date
U.S. Probation Officer	

Approved By:

<u>s/Tommy Rosser</u>	<u>11/30/2017</u>
Tommy Rosser	Date
Supervisory U.S. Probation Officer	

- ☒ Court orders the removal of special condition #28
☐ Court denies the modification request
☐ Other



Signature of Judicial Officer

December 1, 2017

Date